



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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November 9, 2005

TO: Washington State Board of Health Members

FROM: Kim Marie Thorburn, MD, MPH, Chair

SUBJECT: PROPOSED POLICY FOR RESPONDING TO RULE MAKING PETITIONS

Background and Summary

Any person may petition a state agency to adopt, repeal, or amend any rule. Agencies have 60 days to respond. The agency can deny the request—explaining its reasons and, if appropriate, alternative steps it is prepared to take—or it must initiate rule making. If denied, a petitioner can appeal the decision to the Governor. This petition process is governed by RCW 34.05.330 (attached).

The Board has received two such petitions in the past four months—one relating to onsite septic system inspections and one relating to homeless encampments. There have also been recent inquiries that may lead to additional petitions in the near future, particularly in regard to the varicella immunization mandate.

The Board was informed of both recent petitions during the Other Board Business section of the September meeting. Copies of the letters were included in the Board packets. On the recommendation of the executive director, who consulted with other Board members and the Department of Health, I denied both requests. I am told this process has been usual and customary process for the Board, but I know of no policy giving the Chair authority to act on a rule making petition without a vote of the Board.

I have therefore asked Craig McLaughlin to draft a policy for the Board's consideration. The proposed policy is attached. This policy would allow us to respond within 60 days even when the Board may not be meeting. It would also permit us to limit the impact such requests might have on our crowded agendas.

Recommended Board Action

I recommend the Board move to adopt the proposed policy.